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October 20, 2004

**VIA FAX AND FEDERAL EXPRESS**

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RECEIVED

OCT 21 2004

PUBLIC SERVICE  
COMMISSION

Elizabeth O'Donnell  
Executive Director  
Public Service Commission of Kentucky  
211 Sower Boulevard  
Frankfort, Kentucky 40602

**Re: Case Nos. 2004-00395 and 2004-00396**

Dear Ms. O'Donnell:

In its Orders of October 15, 2004, the Commission instructed Louisville Gas & Electric Company and Kentucky Utilities Company to notify the Commission in writing whether they were requesting a determination as to whether the transactions in these cases are exempt from the provisions of KRS 278.300. In order to advance the Applications, the applicants are not requesting such a determination in the current cases. However, LG&E and KU are not waiving their rights under the statute, including the right to raise the issue of whether similar transactions are exempt from KRS 278.300 in future proceedings.

Please do not hesitate to contact me if you have any questions.

Sincerely,

J. Wade Hendricks

JWH/cjg

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